

R381-60-10. RATIOS AND GROUP SIZE.

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio apply any time there are children in care, including when children are being transported and during offsite activities. The rules also apply during special activities when child care is provided at the center, such as Parents' Night Out.

Refer to the following guidelines:

- The rules are assessed according to the number of children present in each group and not by the number of enrolled children.
- For an individual to count in the caregiver-to-child ratio, they must:
 - Meet personnel requirements as specified in rule,
 - Be in the room or area where the children are being cared for, and
 - Be performing caregiving duties.
- A group with more than one caregiver may be out of ratio for a very brief period of time when:
 - One caregiver must leave the room (but not the premises) in order to meet the immediate needs of the children in their group.
 - A staff person needs to use the bathroom and there is no other employee present in the center (cook, director, receptionist, etc.) to assist in giving the caregiver a break.
- Meeting the immediate needs of the children includes tasks such as helping a child who is injured or sick, getting food for the children, giving medication to a child, helping a child in the bathroom, or helping a child change soiled clothing.
- Tasks that are not considered meeting the immediate needs of children include doing laundry or other housekeeping duties, making personal phone calls, or taking a work break.
- The option to leave the children with one caregiver does not apply to leaving children with a 16- or 17-year-old since individuals younger than 18 may never have unsupervised contact with any child in care, even for brief periods of time.
- When a staff member does not count in the caregiver-to-child ratio and is caring for their own child, the staff member's child does not count in the ratio, capacity, or group size. That parent is the only person responsible for the care of their child.
- An individual can bring an additional child to the infant room to change their diaper without altering the ratio as long as the individual is fully responsible for that child and not helping care for other

children in the room.

45 Minute Allowance

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A caregiver does not arrive at their scheduled time.
- A caregiver needs to leave due to an emergency.
- A caregiver leaves their employment without advance notice or is dismissed for immediate cause.

To remain in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, it will not be considered a rule violation. Instead:
 - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
 - If ratios are out of compliance at the first Focus Inspection, a corrective action will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas will be assessed, not just the classroom or areas that were found out of compliance.)
 - If ratios are in compliance at the first and second Focus Inspections, no corrective actions will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

Emergency Ratio Variance

When unforeseen circumstances occur and the provider cannot meet the required staff-to-child ratio, CCL may grant an emergency variance to the ratio rule for up to ten working days.

Examples of long-term, unforeseen circumstances include:

- A staff member leaves their employment without advance notice or is dismissed for immediate cause.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Inform their licensor of the number of staff who left employment or took an unexpected leave of absence, the staff's' names and/or their Covered Individual Numbers.

Refer to the following guidelines:

- This variance is not granted for planned or scheduled leave of absence.
- The required caregiver-to-child ratio for children younger than 2 years old must be maintained. A ratio variance will not be approved for this age group.
- The number of children (2 years old and older) per caregiver may not be more than 1½ times the number stated in rule.
- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

(1) As listed in Table 1 for single-age groups of children, the provider shall:

- maintain at least the number of caregivers and not exceed the number of children in the caregiver-to-child ratio; and
- not exceed the group sizes.

Table 1 Caregiver-to-Child Ratios		
# of Caregivers	# of Children	Limits for Mixed Ages
1	12 per group	No children younger than age 2
1	8 per group	2 children younger than age 2
1	6 in the facility	3 children younger than age 2
2	24 per group	No children younger than age 2
2	16 per group	4 children younger than age 2

Rationale/Explanation

Low child:staff ratios are most critical for infants and toddlers (birth to thirty-six months). Infant and child development and caregiving quality improves when group size and child:staff ratios are smaller. Improved verbal interactions are correlated with lower child:staff ratios. Small ratios are very important for young children's development. The recommended group size and child:staff ratio allow three- to five-year-old children to have continuing adult support and guidance while encouraging independent, self-initiated play and other activities CFOC 4th ed. Standards 1.1.1.1 p.p. 4-5.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

- There are infants or toddlers in care and the group is over ratio by any number of children.
- With 1 caregiver, there are no infants or toddlers in care and the group is over ratio by 4 or more children.
- With 2 caregivers, there are no infants or toddlers in care and the group is over ratio by 8 or more children.
- A group is over ratio by any number of children during transportation or offsite activities.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when:

- With 1 caregiver, there are no infants or toddlers in care and the group is over ratio by 3 children.
- With 2 caregivers, there are no infants or toddlers in care and the group is over ratio by 5 to 7 children.

Risk Level

Low

Corrective Action for 1st Instance

Warning when:

- With 1 caregiver, there are no infants or toddlers in care and the group is over ratio by 1 to 2 children.
- With 2 caregivers, there are no infants or toddlers in care and the group is over ratio by 1 to 4 children.

- (2) The provider shall ensure that there are at least two caregivers with a mixed-age group if:
- (a) there are more than six children in the facility;
 - (b) there are more than two infants or toddlers included in the mixed-age group; and
 - (c) the group has more than six children total.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (3) When caring for children younger than two years old in single-age groups, the provider shall ensure that:
- (a) there are no more than four children with one caregiver; and
 - (b) children are cared for in an area that is physically separated from older children.

Rationale/Explanation

Infants need quiet, calm environments, away from the stimulation of older children. Younger infants should be cared for in rooms separate from the more boisterous toddlers. In addition to these developmental needs of infants, separation is important for reasons of disease prevention. Rates of hospitalization for all forms of acute infectious respiratory tract diseases are highest during the first year of life, indicating that respiratory tract illness becomes less severe as the child gets older CFOC 4th ed. Standard 2.1.2.4 p.p. 62.

Compliance Guidelines

- This rule applies to the provider's and caregivers' own children as well as other children in care.
- Any room or area where infants and/or toddlers are being cared for (even in a group with older children) must meet the requirements for an infant/toddler room.
- Infants and toddlers may be with older children for occasional special visitors and programs but not for regularly scheduled activities.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (4) If there is only one caregiver in the facility and no children younger than two years old are present, the provider can be temporarily out of ratio if:
- (a) a second caregiver arrives within 20 minutes from when the 13th child arrived, and
 - (b) the total number of children present does not exceed 16.

Rationale/Explanation

The number of children in drop-in facilities constantly fluctuates. The provider must plan how to maintain the caregiver-to-child ratio under these circumstances. One way to do this is to be in compliance with rule R381-60-7(8) that requires the provider to have "employees who are on call, and, when needed, can arrive at the facility within 20 minutes."

Compliance Guidelines

If licensing staff arrive when ratios are out of compliance and there is only one caregiver in the facility, licensing staff will:

- Ask how long it has been since the 13th child arrived.
- If necessary, check the sign-in and sign-out records for verification.

- (5) The provider shall include the provider's and employees' children age four years old or older in care:

- (a) in the group size when the parent of the child is working at the facility; and
- (b) in the group size and the caregiver-to-child ratio when the parent of the child is not working at the facility.

Rationale/Explanation

This rule applies when determining compliance to capacity, ratios, and maximum group sizes.

Compliance Guidelines

A child's parent is considered to be working at the facility if they are "on the clock" and on the premises or have left to perform a work-related duty (for example, a bus run or buying program supplies).

- (6) The provider may include caregivers, student interns who are registered in a high school or college child care course, and volunteers who are 16 or 17 years old in the caregiver-to-child ratio.

Rationale/Explanation

Assistant teachers and teacher aides should be at least eighteen years of age, CFOC 4th ed. Standard 1.3.2.3 p.p. 13.

Compliance Guidelines

- A 16- or 17-year-old caregiver may never have unsupervised contact with a child in care at any time.
- A caregiver or other employee who is at least 18 years old and has passed a CCL background check must always be present in the room or area when a 16- or 17-year-old is caring for children.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

- (7) The provider shall ensure that guests do not count in caregiver-to-child ratios.

Rationale/Explanation

The facility should have sufficient direct care professional staff to provide the required programs and services. CFOC 4th ed. Standard 1.1.1.3 p.p. 6.

Risk Level & Corrective Action for 1st Instance

Refer to 60-10(1) for noncompliance with this rule.

